

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of Wisconsin Central Ltd. for a Determination of the Adequacy of Warning Devices at the Grade Crossings of the Wisconsin Central Ltd. Tracks with Riverview Court and Riverview Drive in the City of Wausau, Marathon County

9164-RX-588

FINDINGS OF FACT AND ORDER

By letter dated January 12, 2005, the Wisconsin Central Ltd. (WCL) requested that the Office of the Commissioner of Railroads (OCR) determine of the adequacy of warning devices at the grade crossings of its tracks with Riverview Court and Riverview Drive in the City of Wausau, Marathon County (Crossing Nos. 392 846F and 392 847M). More specifically, the WCL requested that the OCR clarify what trees located on its right-of-way and within 330' of the crossing (measured along the tracks) should be removed. Wisconsin statutes require the railroad to remove all trees and brush from the railroad right-of-way within 330' of the crossing, unless excused by the OCR.

Findings of Fact

THE COMMISSIONER FINDS:

The Wisconsin Central Ltd. operates 6 through train movements per day over both crossings at a timetable speed of 25 mph. Each crossing consists of one mainline track.

A motorist traveling at 25 mph requires a safe stopping distance of 187'. Assuming a train speed of 25 mph, a motorist traveling at 25 mph needs to see a train when it is about 270' from the crossing. Sight distance is inadequate in the northwest and southwest quadrants at Riverview Drive and at Riverview Court due to trees growing on the railroad right-of-way.

Section 195.29 (6) Stats., states in pertinent part:

View at crossings; trees and brush near crossings; forfeiture. Every railroad shall keep its right-of-way clear of brush or trees for a distance of not less than 330 feet in each direction from the center of its intersection at grade with any public highway, and for such further distance as is necessary to provide an adequate view of approaching trains, from the highway.

The statute allows the OCR to reduce the amount of area required to be cleared. In this instance, the railroad right-of-way is 100' wide (50' in each direction from the track center). There are numerous large trees more than 25' from the tracks but within the railroad right-of-way. The Commissioner has determined that the clearing of trees and brush shall be limited to 25' from the track centerline. Reducing the amount of cutting will reduce the impact on the adjoining neighborhood. On the other hand, clearing trees and brush within 25' of the track center for 330' down the railroad right-of-way in each direction at each crossing is necessary to provide adequate sight distance for drivers stopped at the crossing.

Each crossing presently has crossbucks for warning devices. The existing warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety, stop signs are needed because of the inadequate sight distance.

Conclusion on the Issue

THE COMMISSIONER CONCLUDES:

1. That in order to adequately protect and promote public safety, it is necessary for the Wisconsin Central Ltd. to remove brush and trees within 25' of its tracks for a distance of 330' down the tracks at the crossings of the tracks of the Wisconsin Central Ltd. with Riverview Drive and Riverview Court in the City of Wausau, Marathon County.

2. That in order to adequately protect and promote public safety at the crossings of the tracks of the Wisconsin Central Ltd. with Riverview Drive and Riverview Court in the City of Wausau, Marathon County, it is necessary to install and maintain stop signs.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Wisconsin Central Ltd.** shall clear brush and trees within 25' of its track centerline for 330' down the tracks in each direction from the Riverview Drive and Riverview Court crossings in the City of Wausau, Marathon County no later than **May 1, 2005**. That the Wisconsin Central Ltd. is excused from clearing trees and brush located within its right-of-way but more than 25' from the track centerline.

2. That the **City of Wausau** shall install and maintain stop signs on separate posts on each approach to the crossings of the Wisconsin Central Ltd. tracks with Riverview Drive and Riverview Court at-grade in the City of Wausau, Marathon County by **May 1, 2005** (Crossing Nos. 392 847M and 392 846F).

3. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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